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US Serial No. 10/565893
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Attorney File Ref: 102792-518 (11296P1 US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Shaun Patrick RYMER
Serial No.: 10/565893
Filed: 22.Sep.2006
Examiner: Daniel T. SHARPE
Art Group: 4156
Title: **BOTTLE FOR DISPERSING TWO LIQUIDS**

PER TELEFAX (571) 273-8300

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

09.Sept.2008

Dear Sir;

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 CFR §1.137(b)**

The applicant hereby petitions under 37 CFR §1.137(b) to revive the above application.

The applicant has received a *Notification of Abandonment* dated 09.July.2008, a copy of which is enclosed for reference of the Office. Reinstatement of this application, and return to the normal course of prosecution is respectfully requested.

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Applicant submits that the entire delay in filing the required reply (*Amendment*) from the due date for the reply until the filing of a grantable petition was unintentional.

A review of the applicant's file indicates that there was a telefax transmission error when the applicant (attempted to) transmit an *Amendment* on 17.March.2008. The telefax transmission report was placed in the attorney's file, and was inadvertently not brought to the attention of the attorney.

In support of this *Petition*, the applicant includes copies of both the *Amendment* dated 17.March.2008 and the telefax transmission report.

The applicant also asks that the *Amendment* dated 17.March.2008 be entered as the response to the prior *Office Action* dated 15.Nov.2007, and that any and all additional fees (including any required additional extension of time fees) required to enter the foregoing *Amendment*, and to reinstate the present application, be charged to USPTO Deposit Account No. 14-1263.

Should the Office have any question regarding this petition, they are invited to telephone the undersigned at the number given below.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



Andrew N. Parfomak, Esq.
Reg.No. 32,431

09 Sept. 2008

Date:

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Norris, McLaughlin & Marcus, PC
875 Third Ave., 18th Floor
New York, NY 10022

Tel: 212 808-0700

Enclosures – as indicated

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper and all indicated enclosures is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:


Evangelina Exarhoulias

9/9/08
Date:

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,893	09/22/2006	Shawn Patrick Rymer	102792-518 (11296PI US)	8060
<i>ANP</i>				
27389 7590 07/09/2008 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER SHARPE, DANIEL T	
			ART UNIT 3752	PAPER NUMBER
			NOTIFICATION DATE 07/09/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Notice of Abandonment	Application No.	Applicant(s)	
	10/565,893	RYMER ET AL.	
	Examiner	Art Unit	
	DANIEL T. SHARPE	3752	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11/15/07.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

/Len Tran/
Supervisory Patent Examiner, Art Unit 3752

Daniel T Sharpe
Examiner
Art Unit: 3752

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.